

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|------------------------------|---|----------------------------|
| APPLE INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 22-1377-MN-JLH |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| MASIMO CORPORATION and |) | |
| SOUND UNITED, LLC, |) | |
| |) | PUBLIC VERSION |
| Defendants. |) | |
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| MASIMO CORPORATION, |) | |
| |) | |
| Counter-Claimant, |) | |
| |) | |
| v. |) | |
| |) | |
| APPLE INC., |) | |
| |) | |
| Counter-Defendant. |) | |
| <hr/> | | |
| APPLE INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | C.A. No. 22-1378-MN-JLH |
| v. |) | |
| |) | JURY TRIAL DEMANDED |
| MASIMO CORPORATION and |) | |
| SOUND UNITED, LLC, |) | |
| |) | PUBLIC VERSION |
| Defendants. |) | |
| <hr/> | | |
| MASIMO CORPORATION and |) | |
| CERCACOR LABORATORIES, INC., |) | |
| |) | |
| Counter-Claimants, |) | |
| |) | |
| v. |) | |
| |) | |
| APPLE INC., |) | |
| |) | |
| Counter-Defendant. |) | |

**DECLARATION OF DAVID E. MOORE IN SUPPORT OF
PLAINTIFF AND COUNTERCLAIM-DEFENDANT APPLE INC.'S
OBJECTIONS TO THE REPORT AND RECOMMENDATION**

I, David E. Moore, hereby declare as follows:

1. I am a Partner with the law firm Potter, Anderson & Corroon LLP, together with Desmarais LLP and Wilmer Cutler Pickering Hale and Dorr LLP, attorneys of record for Plaintiff/Counter-Defendant Apple Inc. I have personal knowledge of the facts contained herein.
2. Attached hereto as Exhibit 1 is a true and correct copy of the transcript of the June 20, 2023 teleconference before the Honorable Jennifer L. Hall.
3. Attached hereto as Exhibit 2 is a true and correct copy of the hearing transcript of the October 27, 2023 hearing before the Honorable Jennifer L. Hall.
4. Attached hereto as Exhibit 3 is a true and correct copy of the hearing transcript of the June 15, 2023 hearing before the Honorable Jennifer L. Hall.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 7, 2023

By: /s/ David E. Moore
David E. Moore

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